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सं. 1]
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NEW DELHI, SATURDAY, JANUARY 7, 1995/PAUSA 17, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—खण्ड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Ministry Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

अधिकांश खण्ड

सूचना

नई दिल्ली, 8 दिसम्बर, 1994

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

Judicial Section

NOTICE

New Delhi, the 6th December, 1994

का.मा. 1.—नाटरीय नियम, 1956 के नियम 6A के अनुसरण
में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रूपेन्द्र सिंह,
एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अर्धीन
एक अधिवक्ता इस बात के लिए दिया है कि उसे सुप्रीम कोर्ट (राष्ट्रीय राजधानी
दिल्ली में) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति दिया जाए।

2. नोटरी के रूप इस व्यक्ति को नियुक्ति पर किसी भी प्रकार
का आपत्ति इस सूचना के प्रकाशन के चौदह दिनों के भीतर लिखित रूप
से मेरे पास भेजा जाए।

[सं. 5 (185)/94-न्यायिक]
पी. सी. कन्नन, सक्षम प्राधिकारी

S.O. 1.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Roopendra Singh, Advocate for appointment as a Notary to practise in Supreme Court of India i.e. NCT of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(185)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 6 दिसम्बर, 1994

का. प्रा. 2.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री प्रेमलता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए किया है कि उसे छतरपुर महरीली, दिल्ली क्षेत्र (राष्ट्रीय राजधानी) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(184)/94-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 6th December, 1994

S.O. 2.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Miss Prem Lata, Advocate for appointment as a Notary to practise in Chattarpur, Mehrauli i.e. NCT of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(184)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 6 दिसम्बर, 1994

का. प्रा. 3.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कुलवन्त सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जगाधरी, जिला यमुना-नगर (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(183)/94-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 6th December, 1994

S.O. 3.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Kulwant Singh, Advocate for appointment as a Notary to practise in Jagadhari, Distt. Yamuna Nagao (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(183)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 6 दिसम्बर, 1994

का. प्रा. 4.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री श्रीनिवास विष्णु कुसकर्णी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम

4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कोथनद (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(186)/94-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 6th December, 1994

S.O. 4.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Shrinivas Vishnu, Kulkarni, Advocate for appointment as a Notary to practise in Kothnid, Pune (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(186)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 7 दिसम्बर, 1994

का. प्रा. 5.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वेद प्रकाश शर्मा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दादरी, जिला गाजियाबाद (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(180)/94-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 7th December, 1994

S.O. 5.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ved Prakash Sharma, Advocate for appointment as a Notary to practise in Dadri, Distt. Ghaziabad (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(180)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 7 दिसम्बर, 1994

का. प्रा. 6.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रताप सिंह मलिक, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बदायुन, जिला रोहतक (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(181)/94-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 7th December, 1994

S.O. 6.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Sh. Partap Singh Malik Advocate for appointment as a Notary to practise in Bahadurgarh Distt. Rohtak (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(181)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 7 दिसम्बर, 1994

का.प्रा. 6.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रताप सिंह जोरवार, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिलीगुड़ी (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(182)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 7th December, 1994

S.O. 7.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Basanta Joardas, Advocate for appointment as a Notary to practise in Siliguri (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(182)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 दिसम्बर, 1994

का.प्रा. 7.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बसन्त जोरदार, ए. भट्ट (एडवोकेट) ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिलीगुड़ी (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(187)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th December, 1994

S.O. 8.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Smt. Vasavadatta A. Bhatt, Advocate for appointment as a Notary to practise in Ahmedabad (Gujarat).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(187)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 दिसम्बर, 1994

का.प्रा. 8.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वसुधा तट्टा/कलुई/एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बटल सब डिवीजन मिदनापुर (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(188)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th December, 1994

S.O. 9.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Bishnu Pada Palui, Advocate for appointment as a Notary to practise in Ghatal Sub-Division, Midnapore (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(188)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 दिसम्बर, 1994

का.प्रा. 9.—नोटरीज नियम, 1956 के नियम 6A के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बिशु पदा गुप्ता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गटाल सब-डिवीजन मिदनापुर (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(189)/94-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th December, 1994

S.O. 10.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Dharam Vir Gupta, Advocate for appointment as a Notary to practise in Vijay Nagar Amritsar (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(189)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 दिसम्बर, 1994

का.भा. 11.—नोटरीज नियम, 1956 के नियम 6क के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री भरत आर कदम, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे स्व. पद्मावती, धानकवाड़ी, कटराज पुणे (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(190)/94-स्वायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th December, 1994

S.O. 11.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Bharat R. Kadam, Advocate for appointment as a Notary to practise in Swargati, Padmavati Dhanakwadi & Kalraj in Pune (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(190)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 14 दिसम्बर, 1994

का.भा. 12.—नोटरीज नियम, 1956 के नियम 6क के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अरुण कुमार माथुर (एडवोकेट) ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बम्बई (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(191)/94-स्वायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 14th December, 1994

S.O. 12.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Arun Kumar Mathur, Advocate for appointment as a Notary to practise in Aligarh (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(191)/94 Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 14 दिसम्बर, 1994

का.भा. 13.—नोटरीज नियम, 1956 के नियम 6क के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री देव राज शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गुह्ला, जिला फैजल, (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(192)/94-स्वायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 14th December, 1994

S.O. 13.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Dev Raj Sharma, Advocate for appointment as a Notary to practise in Guhla, Dist. Kaithal (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(192)/94-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 14 दिसम्बर, 1994

का.भा. 14.—नोटरीज नियम, 1956 के नियम 6क के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्रीमती रजनी इत्यावदान जोशी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बम्बई, बृहद बम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. नोटरी के रूप में इस व्यक्ति की नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(193)/94-स्वायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 14th December, 1994

S.O. 14.—Notice is hereby given by the Competent Authority in pursuance of Rule 6A of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Smt. Rajai Ichavadan Joshi Advocate for appointment as a Notary to practise in Bombay and Greater Bombay (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(193)/94-Judl.]

P. C. KANNAN, Competent Authority

गृह मंत्रालय

नई दिल्ली, 20 दिसम्बर, 1994

का.भा. 15.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्य साधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :—

1. 192 बटालियन, सीमा सुरक्षा बल
2. 60 बटालियन, सीमा सुरक्षा बल
3. 131 बटालियन, सीमा सुरक्षा बल
4. क्षेत्रीय मुख्यालय, सीमा सुरक्षा बल, गुवाहाटी, पटगांव, पो. भा. भांगरा, जिला कामरूप, गुवाहाटी-17
5. 171 बटालियन, सीमा सुरक्षा बल
6. 74 बटालियन, सीमा सुरक्षा बल
7. सेक्टर मुख्यालय, कलकत्ता, सीमा सुरक्षा बल, 20/1, गुरु सत्य रोड, कलकत्ता-700019।
8. 59 बटालियन, सीमा सुरक्षा बल
9. 38 बटालियन, सीमा सुरक्षा बल

[संख्या 12017/1/94-Hindi]

के.सी. कपूर, निदेशक

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th December, 1994

S.O. 15.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80 per cent :—

1. 192 Battalion Border Security Force
2. 60 Battalion Border Security Force
3. 131 Battalion Border Security Force
4. Sector Headquarters, Border Security Force, Guwahati Patgaon, PO Azhara, Distt. Kamrup, Guwahati-17
5. 171 Battalion Border Security Force
6. 74 Battalion Border Security Force
7. Sector Headquarters Calcutta Border Security Force
8. 59 Battalion Border Security Force
9. 38 Battalion Border Security Force

[No. 12017/1/94-Hindi]

K. C. KAPOOR, Director (OL)

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

बैंकिंग प्रभाग

नई दिल्ली, 19 दिसम्बर, 1994

का. भा. 16.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 9 के साथ पठित खण्ड 3 के उपखण्ड (ग) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से सलाह करने के पश्चात्, एतद्वारा, श्री एन. बालासुब्रमणियम, वर्तमान उपाध्यक्ष, कॉर्पोरेशन बैंक, अधिकारी संगठन (बैंक की कैली कार्नेर शाखा, मद्रास में परिष्कृत प्रबंधक के रूप में सेनात) की दिनांक 19 दिसम्बर, 1994 से 18 दिसम्बर, 1997 तक के लिए या जब तक के कॉर्पोरेशन बैंक के एक अधिकारी के रूप में अपनी सेवा छोड़ नहीं देते हैं, इनमें से जो भी पहले हो, श्री टी. बालासुब्रमण्यम के स्थान पर कॉर्पोरेशन बैंक के निदेशक मण्डल में निदेशक नियुक्त करती है।

[सं. एफ. 9/16/94—बी. ओ. I]

के. के. मंगल, अपर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

Banking Division

New Delhi, the 19th December, 1994

S.O. 16.—In pursuance of sub-clause (c) of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri N. Balasubramaniam, presently Vice-President of Corporation Bank Officers' Organisation (posted as Senior Manager at the Bank's Kelly's Corner Branch, Madras) vice Shri T. Ramachandra Bhat, as a Director on the Board of Corporation Bank with effect from the 19th December, 1994 and upto 18th December, 1997 or until he ceases to be an officer of Corporation Bank, whichever is earlier.

[F. No. 9/16/94-B.O. I]

K. K. MANGAL, Under Secy.

कार्यालय महालेखाकार (लेखा परीक्षा) -II

जयपुर, 20 दिसम्बर, 1994

का. भा. 17.—महालेखाकार (लेखा परीक्षा) -II, राजस्थान, जयपुर, विभागीय जांच (माध्यमों की उपस्थिति के प्रवर्तन एवं प्रलेखों की प्रस्तुति) नियम, 1972 (1972 का 18) की धारा—4 की उपधारा (2) में प्रवक्त अधिकारों का प्रयोग करते हुए श्री एस. के. खन्ना, उप-महालेखाकार को सर्वश्री देव प्रकाश गुप्ता, लेखा परीक्षा अधिकारी (आ.) एवं तारा लक्ष्म जैन, अनुभाग अधिकारी (आ.) जिनके विरुद्ध एक विभागीय जांच करनी है, के सम्बन्ध में, उक्त नियम की धारा—4 की उपधारा (1) द्वारा उनके प्रवक्त अधिकारों को प्रयोग करने के प्राधिकार का विशेष उल्लेख करते हैं।

[क्रमांक : गो. क./के. 11022/143/90-94]

व्यास लक्ष्मण गुप्ता, उप महालेखाकार/प्रकाशन

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT)-II

(राजस्थान विभाग)

Jaipur, the 20th December, 1994

आदेश

नई दिल्ली, 22 दिसम्बर, 1994

S.O. 17.—In exercise of the powers conferred by sub-section (2) of section 4 of Departmental Inquiries (Enforcement of Attendance of witnesses and production of documents) Act, 1972 (18 of 1972) the Accountant General (Audit)-II, Rajasthan, Jaipur, hereby specifies Shri S. K. Khanna, Dy. Accountant General, as an authority to exercise the powers conferred on him by sub-section (1) of section 4 of the said act in respect of S/Shri Dev Prakash Gupta, Audit Officer (Comml.) and Tara Chand Jain, Section Officer (Comml.) against whom a departmental inquiry may be held.

[N. CC/K-11022/145/90-94]

Y. C. GUPTA, Dy. Accountant General (Admn.)

जयपुर, 20 दिसम्बर, 1994

का. भा. 18.—जबकि महालेखाकार (लेखा परीक्षा) —II, राजस्थान, जयपुर, इस विचार से कि सर्वश्री शेव प्रकाश गुप्ता, लेखा परीक्षा अधिकारी (भा.) एवं तारा चन्द जैन, अनुभाग अधिकारी (भा.) के सम्बन्ध में, विभागीय जांच के प्रयोजन से, श्री प्रवीण चन्द, मैनेजर, भीलवास गेस्ट हाउस, भीलवाड़ा एवं श्री मदन मुरारी शर्मा, मैनेजर, हरी सेवा धर्मशाला भीलवाड़ा से किसी प्रलेख को मंगाने/वापस हेतु बुलाना आवश्यक है।

इस कारण से महालेखाकार (लेखा परीक्षा) —II, राजस्थान, जयपुर, विभागीय जांच (साक्ष्यों की उपस्थिति के प्रशसन एवं प्रलेखों की प्रस्तुति) नियम, 1972 (1972 का 18) की धारा-4 की उपधारा (1) में प्रदत्त अधिकारों का प्रयोग करते हुए श्री एस. के. खन्ना, उप महालेखाकार को उपरोक्त जांच के मामले के सम्बन्ध में उक्त नियम की धारा-5 में उल्लेखित अधिकारों का प्रयोग करने हेतु जांच अधिकारी अधिकृत करते हैं।

[क्रमांक : गो. क./के-11022/145/90-94]

व्यास चन्द गुप्ता, उपा महालेखाकार/प्रशासन

Jaipur, the 20th December, 1994

S.O. 18.—Whereas the Accountant General (Audit)-II, Rajasthan, Jaipur is of opinion that for the purposes of the departmental inquiry relating to S/Shri Dev Prakash Gupta, Audit Officer (Comml.) and Tara Chand Jain, Section Officer (Comml.), it is necessary to summon as witnesses/call for any document from Shri Praveen Chandra, Manager, Deluxe Guest House, Bhilwara and Shri Madan, Murali Lal Sharma, Manager, Hari Seva Dharamshala, Bhilwara.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Departmental Inquiries (Enforcement of Attendance of witnesses and production of documents) Act, 1972 (18 of 1972), the Accountant General (Audit)-II, Rajasthan, Jaipur hereby authorises Shri S. K. Khanna, Dy. Accountant General as the Inquiry Officer to exercise the powers specified in section 5 of the said act in relation to the above inquiry case.

[No. CC/K-11022/145/90-94]

Y. C. GUPTA, Dy. Accountant General (Admn.)

का. भा. 19.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा वर्तमान और तकस्कारी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का. सं. 673/329/90—सी. शु. दिनांक 22-10-90 को यह निदेश जारी किया था कि श्री मोहम्मद यूसुफ काजिया सुपुत्र श्री हुसैन साहिब काजिया (1) अर्न मेन रोड, भटकल (2) न.—II, 5वां क्रॉस, एन. के. गार्डन, बंगलूर—46 उन. 53, प्रथम तल, 5वां क्रॉस, मरप्पा गार्डन, जे. सी. नगर, बंगलूर—46 को निरुद्ध कर लिया जाए और केन्द्रीय कारा-गार, बंगलूर, कर्नाटक में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानि-कारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने की छिपा रहा है जिससे उक्त आदेश का निष्पारन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के प्राप्तकीय राबपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बंगलूर के समक्ष हाजिर हों।

[का. सं. 673/329/90—सी. शु.—8]

रूप चन्द, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 22nd December, 1994

S.O. 19.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/329/90-Cus. VIII dated 22-10-90 under the said sub-section directing that Shri Mohammed Yousuf Kazia S/o Shri Hussain Sahib Kazia (i) Earan, Main Road, Bhatkal. (ii) No. 11, 5th Main. S. K. Garden, Bangalore-46 (iii) No. 93, I floor, 5th Cross, Marappa Garden, J. C. Nagar, Bangalore-46 be detained and kept in custody in the Central Prison, Bangalore with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Police Commissioner, Bangalore within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/329/90-Cus.VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 20:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश का. सं. 673/355/88-सी. शु. 28 दिनांक 16-9-88 को यह निदेश जारी किया था कि श्री एम. खाजा साहिबूदीन मुमुन श्री मोहम्मद मोहिबूदीन 8, मनकाटी स्ट्रीट, किलयूर पोस्ट इलयनकुडी (वाया) पासुमपॉन जिला मथुरामालिंगम, मद्रास को निरुद्ध कर लिया जाए और केन्द्रीय कारागार मद्रास में अभिरक्षा में रखा जाए, ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो मुद्रा के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीक्षक, तमिलनाडु, मद्रास के समक्ष प्रस्तुत हो।

[का. सं. 673/355/88-सी. शु.-8]

रूप चन्द, सचिव

ORDER

New Delhi, the 22nd December, 1994

S.O. 20.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order P. No. 673/355/88-CUS.VIII dated 16-09-88 under the said sub-section directing that Shri M. Khaja Maideen S/o Meera Mohideen, 5, Manikatti Street, Keelayur Post, Ilavangudi (Via) Pasumpon Muthuramalingam District be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore in exercise of the powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs that aforesaid person to appear before the Superintendent of Police, Tamil Nadu within 7 days of the publication of this order in the Official Gazette

[F. No. 673/355/88-CUS.VIII]

ROOP CHAND, Under. Secy

आदेश

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 21:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश का. सं. 673/327/90-सी. शु. 6 दिनांक 22-10-90 को यह निदेश जारी किया था कि श्री मोहम्मद इसा काजिया मुमुन श्री हुसैन सादिक काजिया, आई. भेन रोड, घटकल, (2) नं. 11, 5वां भेन, एस. के. गार्डन, बंगलूर-16 (3) नं. 53, प्रथम तल, 5वां फ़ास, मारप्पा गार्डन, जे. सी.

नर, बंगलूर-46 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बंगलूर, कर्नाटक में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीक्षक, बंगलूर के समक्ष हाजिर हों।

[का. सं. 673/327/90-सी. शु.-8]

रूप चन्द, सचिव

ORDER

New Delhi, the 22nd December, 1994

S.O. 21.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under P. No. 673/327/90-Cus.VIII dated 22-10-90 under the said sub-section directing that Shri Mohd. Isha Kazia S/o Hussain Sahib Kazia, Farm, Main Road, Bhatkal, (ii) No. 11, 5th Main S. K. Garden, Bangalore-16, (iii) No. 53, 1st Floor, 5th Cross, Marappa Garden, J. C. Nagar, Bangalore-6 be detained and kept in custody in the Central Prison, Bangalore with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bangalore within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/327/90-Cus.VIII]

ROOP CHAND, Under. Secy.

आदेश

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 22:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश का. सं. 673/733/89-सी. शु.-8 दिनांक 13-12-89 को यह निदेश जारी किया था कि श्री एम. सादिक मुमुन श्री गि. सादिक इमोद, नं. 15, स्ट्रीट मालियप्पन, मद्रास-1, (2) नं. 69, ईस्ट स्ट्रीट, किलाकारी, मद्रास को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मद्रास में अभिरक्षा में रखा जाए, ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस प्रायुक्त, मद्रास के समक्ष हजरि हों।

[फा. सं. 673/733/89 सी. गु. 8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 22nd December, 1994

S.O. 22.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/733/89-Cus.VIII dated 13-12-89 under the said sub-section directing that Shri S. Sahib S/o Shri P. Shajul Harad, No. 15, Mulyappan Street, Mannaday, Madras-1, (ii) No. 69, East Street, Kilakarai be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/733/89-Cus.VIII]

ROOP CHAND, Under, Secy.

छ देक

नई दिल्ली, 22 दिसम्बर, 1994

का. भा. 23—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और सस्कारी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश का सं. 673/124/94 सी. गु.-8 दिनांक 14-9-94 को यह निर्देश जारी किया था कि श्री मनोज कुमार बाबूलाल पुनमिया सुदूर श्री बाबूलाल गुलाब चन्द पुनमिया (1) चौथी मंजिल, बिल्डिंग नं. 19/21, होली चकला स्ट्रीट बोरा बाजार, फोर्ट, बम्बई-1, (2) फ्लैट नं. 14, दूसरी मंजिल, मुलराजी पराजी बिल्डिंग, 40, मोदी स्ट्रीट, बम्बई-400001 को निष्काशित कर लिया जाए और केन्द्रीय कारागार, बम्बई-1 में गिरफ्तार कर रखा जाए ताकि उसे ऐसा कोई भी कार्य करने में रोक जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस प्रायुक्त, बम्बई के समक्ष हजरि हो।

[फा. सं. 673/124/94-सी. गु.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 22nd December, 1994

S.O. 23.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/124/94-Cus.VIII dated 14-9-94 under the said sub-section directing that Shri Manoj Kumar Babulal Punmiya S/o Shri Babulal Gulabchand Punmiya (i) 4th Floor, Building No. 19/21, Holi Chakla Street, Bora Bazar, Fort, Bombay-1, (ii) Flat No. 14 11nd Floor, Mulraji Praji Building, 40, Modi Street, Bombay-400001 be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/124/94-Cus.VIII]

ROOP CHAND, Under, Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 22 दिसम्बर, 1994

का. भा. 24—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री एम. एस. कोहली, वर्तमान महा प्रबंधक, पंजाब एंड सिंध बैंक, को उनके कार्यभार ग्रहण करने की हितारीय ने पांच वर्ष की अवधि के लिए पंजाब एंड सिंध बैंक के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पदवागित) के रूप में नियुक्त करती है।

[सं. एफ. 9/15/94-बी. ओ. 1]

एम. एस. सीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 22nd December, 1994

S.O. 24.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. S. Kohli, presently General Manager, Punjab & Sind Bank as a whole time Director (designated as the Executive Director) of Punjab & Sind Bank for a period of five years from the date of his taking charge.

[F. No. 9/15/94-BO. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 दिसम्बर, 1994

का. भा. 25—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 31 के उपबंध पंजाब नेशनल बैंक पर 28 फरवरी, 1995 तक उक्त सीमा तक लागू नहीं होंगे।

जहाँ तक इस बैंक से दिनांक 31 मार्च, 1994 तक की स्थिति के अनुसार, लेखा परीक्षक की रिपोर्ट सहित लेखाओं और तुलनपत्र को निर्धारित ढंग में प्रकाशित करने और उसकी तीन प्रतियाँ भारतीय रिजर्व बैंक को 30 सितम्बर, 1994 तक की बढ़ाई हुई अवधि के अन्दर-अन्दर निवेदनियों के रूप में प्रस्तुत करने की आज्ञा की जाती है।

[मं 12/9/93-बी. ओ. ए.]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 23rd December, 1994

S.O. 25.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act shall not apply to Punjab National Bank upto 28th February, 1995 in so far as it is required to publish the accounts and balance sheet as at 31st March, 1994 together with auditors' report in the prescribed manner and submit three copies thereof as returns to the Reserve Bank of India within the extended period upto 30th September, 1994.

[F. No. 12/9/93-ROA]

B. L. SACHDEVA, Under Secy

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क समाहर्ता का कार्यालय

अधिसूचना - 2/94

कोयम्बतूर 24 नवम्बर, 1994

सीमा शुल्क

का. प्रा. 26.—सीमा शुल्क अधिनियम, 1962 की धारा 152 खंड (ए) के अन्तर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना सं. 33/94 - सीमा शुल्क (एन. टी.) के अधीन अधोदस्ताक्षरी के प्रत्येकित शक्तियों का प्रयोग करते हुए, सी. डा. जी. के. पिल्लै, समाहर्ता, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिळनाडु राज्य, कोयम्बतूर जिला, पल्लडम तालुक के सुलूर डाक में स्थित "कन्नमपालयम" ग्राम को सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत 100% निर्यातमुख्य एकक (ई. ओ. यू.) के घटक के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ। जैसा कि उद्योग, मंत्रालय औद्योगिक अनुमोदन सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[पत्र सं. VIII/40/11/94 - सी. ए.]

डा. जी. के. पिल्लै, समाहर्ता

(Department of Revenue)

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE

NOTIFICATION NO. 2/94

CUSTOMS

Coimbatore, the 24th November, 1994

S.O. 26.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-CUS(NT), dated the 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of section 152 of the Customs Act, 1962, I, Dr. G. K. Pillai, Collector of Customs and Central Excise, Coimbatore hereby declare the village 'Kannampalayam' in Palladam Taluk, Sulur

P. O. in the district of Coimbatore, State of Tamilnadu, to be a warehousing Station under section 9 of the Customs Act, 1962 for the purpose of setting up of 100 per cent E. O. U. as approved by Ministry of Industry, Secretariate of Industrial approval, New Delhi.

[C. No. VIII/40/11/94-CUS.]

G. K. PILLAI, Collector.

भारतीय रिजर्व बैंक

(ग्रामीण प्रायोजना ऋण विभाग)

बम्बई, 15 दिसम्बर, 1994

का. प्रा. 27.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 42 की उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक एतद्वारा यह निदेश देता है कि प्रत्येक अनुमोदित राज्य सहकारी बैंक जो विदेशी मुद्रा में प्राधिकृत व्यापारी भी है, दिनांक 24 दिसम्बर, 1994 से बैंक के साथ प्रतिरिक्त दैनिक जोष बनाये रखें जो विदेशी मुद्रा (अनिवासी) खाता (बैंक) योजना के अन्तर्गत इसके जमा दरप्ताओं से 7.5 प्रतिशत (साढ़े सात प्रतिशत) से कम नहीं होना चाहिए।

[पा. प्रा. अ. वि. सं. बी. सी. 87/07/02/03/94 - 95]

कु. आई. टी. वाज, कार्यपालक निदेशक

RESERVE BANK OF INDIA

(Rural Planning and Credit Department)

Bombay, the 15th December, 1994

S.O. 27.—In exercise of the powers conferred by the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934, the Reserve Bank of India hereby directs that every scheduled State Co-operative Bank which is also an Authorised Dealer in foreign exchange shall with effect from 24th December, 1994 maintain with the Bank an additional average daily balance, the amount of which shall not be less than 7.5 per cent (Seven and half per cent) of its deposit liabilities under the Foreign Currency (Non-Resident) Accounts (Banks) Scheme.

[RPCD. No. BC. 87/07.02.03-94/95]

Ms. I. T. VAZ, Executive Director

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

प्रावेण

नई दिल्ली, 20 दिसम्बर, 1994

का. प्रा. 28.—मै. इंटरनेशनल टोबीको कं. लि., गाजियाबाद-201001 को निर्यात संवर्धन पूंजीगत माल के अन्तर्गत माल के आयात के लिए 65,02,552/- (पैंसठ लाख दो हजार पांच सौ और बावन रुपये केवल) के लिए एक आयात लाइसेंस सं. पी/सीजी/2133463 दिनांक 8-9-1994 के लिए मंजूर किया गया था।

कम ने सीमाशुल्क तथा विनिमय नियंत्रण प्रयोजन प्रति की की दूसरी प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन और विनिमय नियंत्रण प्रति उनके द्वारा शस्रीय प्राधिकारियों से प्राप्त की गई थी। यह भी बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन और विनिमय नियंत्रण प्रति किसी सीमाशुल्क प्राधिकारी के साथ पंजीकृत नहीं कराई गई थी और सीमाशुल्क प्रयोजन प्रति के मूल का बिल्कुल भी हस्तमाल नहीं किया गया है।

2. अपने तर्कों के समर्थन में लाइसेंसधारी ने नोटरी कनब, नई दिल्ली के समक्ष विधिवत् शपथ लेकर स्टाम्प पत्र पर एक हलफनामा दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि फर्म से आयात लाइसेंस सं पी/सीजी/2133463 दिनांक 8-9-1994 की मूल सीमाशुल्क प्रयोजन तथा विनिमय नियंत्रण प्रति खो गई है अथवा इधर-उधर हो गई है और यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मै. इंटरनेशनल टोबाको कं. लि., गाजियाबाद-201001 को जारी किया गया मूल सीमा-शुल्क प्रयोजन और विनिमय नियंत्रण प्रति सं. पी/सीजी/2133463 दिनांक 8-9-1994 को एतद्वारा निरस्त किया जाता है।

3. पार्टी को उक्त लाइसेंस की सीमाशुल्क प्रयोजन और विनिमय नियंत्रण प्रति की दूसरी प्रति भ्रम से जारी की जा रही है।

[फा. सं. 18/480/एएम 95/ई पी सी जी - 2/754]

माया डी. केम, उप महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

ORDER

New Delhi, the 20th December, 1994

S.O. 28.—M/s. International Tobacco Co. Ltd., Ghaziabad-201001 were granted an import licence No. P/CG/2133463 dated 8th September, 1994 for Rs. 65,02,552 (Rupees sixty five lakhs two thousand five hundred and fifty two only) for import of C.G. under EPCG Scheme.

The firm has applied for issue of Duplicate copy of Customs and Exchange Control purpose copy of the above mentioned licence on the ground that the original customs purpose and Exchange control copy of the licence has not been received by them from Postal authorities. It has further been stated that the Customs purpose and Exchange Control copy of the licence was not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, New Delhi. I am accordingly satisfied that the original Customs purpose and Exchange Control copy of import licence No. P/CG/2133463 dated 8th September, 1994 has been lost or misplaced by the firm and in exercise of the powers conferred under sub-clause 9(CC) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs purpose and Exchange control copy No. P/CG/2133463 dated 8th September, 1994 issued to M/s. International Tobacco Co. Ltd., Ghaziabad-201001 is hereby cancelled.

3. A duplicate Customs purpose and Exchange Control copy of the said licence is being issued to the party separately.

[F. No. 18/480/AM'95/EPCG-II-754]

MRS. MAYA D. KEM, Dy. Director Genl. of Foreign Trade.

मानव संसाधन विकास मंत्रालय

(युवा कार्यक्रम और खेल विभाग)

नई दिल्ली, 9 दिसम्बर, 1994

का. भा. 29.—केन्द्रीय सरकार राजभाषा (संघ) के शासकीय प्रयोजनों के लिए प्रयोग (नियम 10 (4)) के अनुसरण से नेहरू युवा केन्द्र संगठन के निम्नलिखित कार्यालयों को जिनके कर्मचारीबन्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्रम सं.	नेहरू युवा केन्द्र	राज्य	क्षेत्र
1.	नेहरू युवा केन्द्र, गाजियाबाद	उत्तर प्रदेश	"क"
2.	नेहरू युवा केन्द्र, इंदौर	मध्य प्रदेश	"क"
3.	नेहरू युवा केन्द्र, टोंक	राजस्थान	"क"

[मि. सं. 3-7/94-हि. ए.]

अग्नि कान्त शर्मा, निदेशक

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Youth Affairs & Sports)

New Delhi, the 9th December, 1994

S.O. 29.—In pursuance of rule 10(4) of the Official Language (use of official purposes of the Union) Rule 1976, 1976, the Central Government hereby notifies the following Officers of Nehru Yuva Kendra Sangthan the staff whereof have acquired a working knowledge of Hindi :—

S.No.	Nehru Yuva Kendra	States	Region
1.	Nehru Yuva Kendra, Ghaziabad	Uttar Pradesh	"A"
2.	Nehru Yuva Kendra, Indore	Madhya Pradesh	"B"
3.	Nehru Yuva Kendra, Tonk	Rajasthan	"A"

[F. No. 3-794-H.U.]

S. K. SHARMA, Director

MINISTRY OF COAL

CORRIGENDUM

New Delhi, the 14th December, 1994

S.O. 30.—In the notification of the Government of India in the Ministry of Coal number S.O. 1556, dated the 13th June, 1994, published at pages 2338 to 2343 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th July, 1994,

(i) at page 2342, in plot numbers to be acquired in village Saraiakapa (Part), in line 2 for "1204" read "204".

(ii) at page 2343, in boundary description, in the margin of paragraph starting with the words and figures "Line passes in village Dhanpuri through plot numbers 1445" and ending with the words and letter "and meets at point "F" read "E-F".

[No. 43015/8/92-LSW]

N. BHAGAT, Director

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 14 दिसम्बर, 1994

का. प्रा. 31.—केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा भारतीय कृषि अनुसंधान परिषद के निम्नलिखित संस्थानों जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करता है।

2 भारतीय लाख अनुसंधान संस्थान, नामकुम राँची (बिहार)

2 भारतीय कृषि सांख्यिकी अनुसंधान संस्थान, लाइब्रेरी एवेन्यू,
नई दिल्ली।

[संख्या 13-9/94 - हिन्दी]

आर. पी. सरोज, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research & Education)

New Delhi, the 14th December, 1994

S.O. 31.—In pursuance of Sub-rule 4 of Rule 10 of the Official Language (Use of Official purpose of the Union) Rule 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research & Education hereby notifies the following Institutes of ICAR, where more than 80 per cent of Staff have acquired the working knowledge of Hindi.

1. Indian Lac Research Institute, Namkum, Ranchi (Bihar).

2. Indian Agricultural Statistic Research Institute, Library Avenue, New Delhi.

[No. 13-9.94-Hindi]

R. P. SAROJ, Under Secy.

अरुण मंत्रालय

नई दिल्ली, 26 नवम्बर, 1994

का. प्रा. 32.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबंध निपोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 26-10-94 को प्राप्त हुआ था।

[संख्या एल-12012/463/87-डी II (ए)/आईआरबी-III/बी I]

वी. के. शर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 26th November, 1994

S.O. 32.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 26-10-94.

[No. L-12012/463/87-D.II(A)/IRB.III/BI]

V. K. SHARMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

CASE NO. CGIT/LC(R)(110)/1991

BETWEEN

Shri Satish Kumar Pathak S/o Late Shri Durga Prasad Pathak, R/o Q. No. 5, State Bank Colony Behind State Bank, Garha Branch, Garha, Jabalpur-482003

AND

Regional Manager, State Bank of India, Marhatal, Civic Centre, Jabalpur-2.

PRESENT :

Shri A. K. Awasthy, Presiding Officer.

APPEARANCES:

For Workman : Shri Manoj Kumar, Advocate.

For Management : Shri R. Mehdidutta, Advocate.

AWARD

Dated : September 30, 1994

In exercise of the powers conferred by Clause (d) of Sub-section (1) and sub-section (2A) of Section 10 of the Industrial dispute to this Tribunal for adjudication vide Notification No. the Ministry of Labour has referred the following matter of dispute to this Tribunal for adjudication vide Notification No. L-12012/463/87-D.II(A)/IRB.III Dated 15/16-5-1991.

MATTER OF DISPUTE

Whether the action of the management of State Bank of India, Jabalpur, in terminating the services of Shri Satish Kumar Pathak, Sub-Staff, w.e.f. 10-7-86 was justified? If not, to what relief the workman is entitled to?

2. This reference was made in the year 1991. Thereafter both the parties have filed their respective statement of claim and the case was at the stage of filing documents, rejoinders and framing of issues. Due to retirement of my learned predecessor the case was lying without date. I took charge of the Tribunal on 4-8-1994 and fixed the case for filing of rejoinder and documents and framing of issues on 2-9-1994.

3. The workman filed an application dated 10-6-1992 in the case for permission to withdraw the claim because the management has given him employment at Shahdol. Management rightly pray to pass no dispute award.

4. The reference was for justification of termination order of the workman.

5. Since the workman, Shri Satish Kumar Pathak, has got employment with the management of State Bank of India and he has prayed for withdrawal of case, there remains no dispute for adjudication. I, therefore, record a No dispute Award and make no order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1994

का. प्रा. 33.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उच्च सी. एल. के प्रबन्धन के संबंध निपोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 8-12-94 को प्राप्त हुआ था।

[सं. एल-22012/254/91-आईआर (सी-II)]

राजापाल डेस्क, अधिकारी

New Delhi, the 12th December, 1994

S.O. 33.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on the 8-12-1994.

[No. L-22012/254/91-IRC-II]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

CASE NO. CGIT/LC(R)(36) 1992

BETWEEN

Shri S. V. Ankar represented through the Joint Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh, W.C. Ltd.,
HQ Branch, Coal Estate, Civil Lines, Nagpur (MS)

AND

The Chairman cum-Managing Director, Western Coalfields
Ltd., Coal Estate, Civil Lines, Nagpur (MS).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES:

For Workman : Shri G.V.R. Sharma

For Management : Shri O. P. Meghlani.

INDUSTRY : Coal Mines. DISTRICT : Nagpur (MS).

AWARD

Dated : November 21, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-22012/254/91-IRC-II dated 11th February, 1992 for adjudication of the following dispute :—

SCHEDULE

"Whether the action of the management in deducting excess payment made to Shri S. V. Ankar as difference of wages of Gr. I Clerk is proper and justified? If not, to what relief he is entitled to?"

2. The workman and the management filed the statement of claim and the reply and they entered into a compromise. The terms and conditions of compromise are as follows:—

TERMS AND CONDITIONS

1. That the management shall pay Rs. 700 as an ex-gratia grant to the wife of late Shri S. V. Ankar purely as a gesture of good will.
2. That the Union agree that with the payment of Rs. 700 as ex-gratia grant to the wife of late Shri S. V. Ankar, the above dispute/issue gets settled fully and finally and this shall not be quoted as precedent.
3. That the above settlement shall be filed jointly before the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jabalpur for giving consent Award in terms of the settlement which is fair and proper.
4. That the term 1 shall be implemented after the consent award is given by the CGIT-cum-Labour Court, Jabalpur.

1. That the term 1 shall be implemented after the consent management in deducting excess payment was just and proper?

4. The terms and conditions of the settlement fully satisfy the relief claimed under the reference. Consequently, the prayer of the parties to pass the consent award is just and proper.

5. Consequently, the award is passed as per aforesaid terms and conditions elaborated under the Settlement dated 5-10-1994. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1994

का. आ. 34.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एन ई सी एल. के प्रबन्धतन्त्र के संवध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 8-12-94 का प्राप्त हुआ था।

[सं. एन-22012/290/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 12th December, 1994

S.O. 34.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 8-12-1994.

[No. L-22012/290/92-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(35)1993

BETWEEN

Shri M. J. Eapan, Sr. Clerk, represented through the Secretary, Rashtriya Koyla Khadan Mazdoor Sangh at 15 Block, Quarter No. G-6-I, SECL, P.O. Korba Colliery, district Bilaspur (MP)-495677.

AND

The Chief General Manager, S.E.C. Ltd. Korba (East),
P.O. Korba Colliery District Bilaspur (MP)-495667.

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES:

For Workman : Shri Kurrey.

For Management : Shri A. K. Shasi, Advocate.

INDUSTRY : Coal Mines DISTRICT : Bilaspur (MP).

AWARD

Dated, November 21, 1994

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-22012/290/92-IRC-II dated 4-2-1993 for adjudication of the following dispute :—

SCHEDULE

"Whether the management of Chief General Manager, SECL, Korba (East), Distt. Bilaspur, justified in not fixing Sri M. J. Eapan, Sr. Clerk at Rs. 1229.00 Basic Pay w.e.f. 8-4-84 as done in the case of

Shri K. M. Varghese who being junior is fixed at this pay. If not, to what relief the workman concerned is entitled to?"

2. The parties after receiving first notice filed the Memorandum of Settlement. The Settlement was verified and accepted by the parties.

3. The claim of the workman for the fixation of his pay on higher grade is as referred to under reference was accepted by the management, the Settlement is just and proper and it is accepted. Following are the terms of settlement:—

TERMS OF SETTLEMENT

1. It is mutually agreed that Shri M. J. Eapen's basic pay of Rs. 1229.00 is to be stepped-up the basic at par with Shri C. R. Dutta/K. M. Verghese.
2. Neither the workman nor the Union will raise any dispute in this respect before any court of law or any other forum.
3. It has been decided that the Union will withdraw the case from CGIT, Jabalpur.
4. This will be implemented within 3 months.
4. The reference is answered in terms of the aforesaid settlement. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1994

का. प्रा. 35.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार एक सी आई के प्रबन्ध-तंत्र के संबंध में निगोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई नं. 1 के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 9-12-94 को प्राप्त हुआ था।

[सं. एन - 22012/397/90 - आई आर (सी - II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 12th December, 1994

S.O. 35.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. I, as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on the 9-12-94.

[No. L-22012/397/90-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-15 of 1991

PARTIES :

Employers in relation to the management of Food Corporation of India, Bombay.

AND

Their workmen

APPEARANCES :

For the Management—Shri Vaishnav, Advocate.

For the Workman—Workman present is person.

INDUSTRY : Food Corporation. STATE : Maharashtra.

Bombay, dated the 29th day of November, 1994

AWARD

Government of India, Ministry of Labour has made the following reference for adjudication under Section 10(1)(d) read with 2(a) of the Industrial Disputes Act, 1947.

"Whether the action of the employer of Food Corporation of India in not regularising the services of Smt. L. S. Rane, a part time Casual Labour is justified ? If not what relief the concerned workman is entitled to ?"

2. Admitted position is that Smt. Rane was appointed on part time basis for 4 hours a day on a consolidated salary of Rs. 115 per month by order dt. 1st June 1978. She was engaged for a period of one month counted from the date of issue of order. Thereafter on 30th of April 1979 in partial modification of the order sanction was accorded for her appointment on a full time basis at Rs. 9 per working day with effect from 1-5-1979 to 31-5-79. Other terms and conditions remained unaltered.

3. It is her case that she was appointed on compassionate ground because of the retirement of her father Shri A. N. Savant. It is further her case that she rendered services to the full satisfaction of the Officers/staff. Though she was appointed for only one month when she decided to revert to her original duty period she was directed to continue full time job clerk and out door job along with water storage job by the immediate incharge that is assistant Manager house keeping. She requested for a regular order but the same was not issued and she was assured of regular job if she continued the work for 6 1/2 hours. She accordingly put in 6-1/2 hours work per day and continued to do so. She was also assigned the duties of receiving and dispatching letters in different case and out door duty of paying telephone bills, electricity bills making railway reservation, registration of letters etc.

4. She made repeated requests for regularisation of service but the same was not done and instead was paid only Rs. 115 per month. This she continued to do for over 12 years without a break and yet not paid salary and emoluments paid to a regular employee. Her maternity leave applied for in 1980 was sanctioned and she was paid full wages for the period. She was not given the benefit which the other regular employees got by way of increase in D.A. from time to time. She, therefore, filed an application under section 33(c) I.D. Act. before Industrial Court No. 2 on 16th of February 1990 after conciliation proceedings failed. However because of this reference made by the Government of India she withdrew that application on 25th of April 1991. She, therefore, prayed for regularisation of her services and payment of difference of wages with effect from 1st June 1978 with all benefits and suitable directions.

5. The Management filed written statement. The claim for regularisation and for difference in wages is denied. Contention is that the reference is without jurisdiction and void and illegal.

6. Admitting that she was appointed as casual labour on 11-6-78 on part time basis for 4 months on a consolidated salary of Rs. 115 per month it is denied it was on retirement of her father Shri A. N. Savant. It is stated that Shri Savant retired in February 1982 on medical grounds while Smt. Rane was appointed in 1978. It is further stated that A. N. Savant's son Shri N. A. Savant was appointed on retirement of his father on compassionate grounds by order dt. 11-8-82, mentioning specifically that he was offered the post of a peon in place of Shri A. N. Savant who retired on medical grounds.

7. It is submitted that she performed 4 hours duty even after 1-6-79 except for one month i.e. from 1-5-79 to 31-5-79 when she was appointed on full time basis at Rs. 9 per day instead of upon part time basis on consolidated salary of Rs. 115. It is denied that she worked continuously thereafter as a full time worker nor was she ever directed to do so. It is further denied that she worked for 6-1/2 hours. It is admitted that she was making representations and it is stated that it was considered and it was found that she was not eligible for regular employment in the corporation. It is contended that even if she was

asked to do work by the Assistant Manager he was not competent to give her a regular employment. She was also not entitled to any maternity leave as never granted any and was paid only for actual days of attendance excluding those of absence.

8. Her application under section 33(c)(2) of the Industrial Disputes Act was withdrawn after objection was raised by the corporation.

9. It is contended that she is not a 'workman' within the meaning of Industrial Disputes Act being a part time casual labour and, therefore, not entitled to the difference of wages.

10. Parties have filed documents in support of their contentions and also made written submissions. Some Authorities have been relied upon.

11. The first point raised need not detain me longer. The contention is that a part time labour is not a workman and therefore this tribunal has no jurisdiction. The definition of workman in Section 2(s) of the Industrial Disputes Act covers, in my view, a part time worker as well as a casual worker if he is employed in an industry to do manual unskilled, skilled, technical operational clerical or supervisor work for hire or reward. The case of present workman does not come within the category which has been excluded by that section and it is not necessary to mention those covered by that category. A decision of the Andhra Pradesh High Court in a case between Rangamannar Chetti and Industrial Tribunal, Hyderabad, and another, II L.L.J. 1959, Page 565 is on the point as to whether absence of a plea on the point confers jurisdiction and the High Court held that it would not. It therefore remanded the matter to the Tribunal to find out whether the person concerned was an employee within the meaning of Industrial Disputes Act. It so happened that he was getting 65 per month for doing part time work. The High Court has not held therein that the part time employee could not be a "workman" under the Industrial Disputes Act. A passing observation has been made to the effect "further there are several decisions by Industrial Tribunal to which reference has been made before me that part time employees are not covered by the Act". That is not therefore an authority, with respect, on which reliance could be placed for contending that Smt. Rane is not "workman". The relationship of master and servant employer and employee is clearly established on record and therefore she would be governed by the Provisions of Industrial Disputes Act.

12. A contention raised by the employee that he was not a part time employee but a full time employee could also be dealt with at this stage. In the course of the statement she stated that at the time of her father's retirement she was appointed by the employer initially on part time basis for 4 hours and thereafter on full time basis. It is disputed by the Management that she was appointed at the time of retirement of her father. Case is that she was appointed much earlier and her brother Namdev was appointed at the time of his father's retirement on medical ground. That was on compassionate ground in relaxation of mode of recruitment, age and educational qualification. Order dated 11th August 1982 clearly supports the Management's contention. It says that he has been appointed on his father's retirement on medical grounds and in relaxation of mode of recruitment, age and educational qualification on compassionate grounds. His father retired with effect from 2nd of February, 1982 and that is clear from Ex. 'B' dated 11th February 1982. Therefore soon after his father's retirement in February 1982 his son Namdev was appointed by letter dated 1st June 1988 on part time basis for 4 hours a day on consolidated salary of Rs. 115 per month. Therefore her contention that she was appointed on her father's retirement has to be rejected.

13. The other contention raised by her is that after she was appointed on part time basis for 4 hours a day she was appointed on full time basis on payment of Rs. 9 per day. That is correct as evidenced by Ex. 'A' and Ex. 'D' but her contention that she continued to do full time work and was appointed to do full time work is not borne out on record. After the appointment of 1st of June 1978 the second order was issued on 30th of April 1979 by which sanction was accorded for her appointment on a full time

basis at Rs. 9 per working day from 1-5-1979 to 31-5-79 instead of a part time basis for 4 hours a day on a consolidated salary of Rs. 115 per month as per the earlier order. That means it was an appointment for a month only. There is no other order filed on record. It also appears that she was continuing to work thereafter on consolidated salary of Rs. 115 on a part time basis. Document at Ex. 'F' and that at Ex. 'E' support that aspect. The document Ex. 'G' also shows that she was paid at the rate of Rs. 115 per month. The last is Ex. 'E' and is for the period 1st February, 1980 to 8th February, 1980 and Ex. 'G' is for the period from 19th March, 1980 to 31st March, 1980.

14. The letters addressed by Smt. Rane continued to show that she was being paid at the rate of Rs. 115 per month. She has produced copy of the letter dated 24th January 1983 mentioning that she was working as casual labour on daily wages and requested for her absorption as peron. The subsequent letter dated 30th of April 1985 mentions that she continued to perform duty for over 5 hours every day and that she was being paid salary of Rs. 115 per month and no increase of wages had so far been effected. She further reiterated she was unable to make both ends meet in Rs. 115 pm as wages. Another letter dated 2nd October, 1985 mentions that she was working on a salary of Rs. 115 per month, letter dated 1st April, 1987. She however stated that her initial appointment was on consolidated salary of Rs. 115 per month and which was revised subsequently to hours 9 hours working day. In a subsequent letter she only states that she was working as a casual labour on daily wages. In a letter dated 12th August, 1981, 9th March, 1979 she stated that she was being paid at the rate of Rs. 115 per month and that amount was insufficient. In yet another letter dated 16th of May, 1988 she states that she was being paid at Rs. 115 per month. The admissions made in these letters which she herself addressed would go to show that she was being paid a consolidated salary of Rs. 115 per month since 1978 except for a month May 1978 when she was appointed on full time basis at the rate of Rs. 9 per day.

15. She further contended that she was given maternity leave and that would show she was a full time employee. That fact has been denied by the Management and it appears from the papers produced that she was not paid for that period. Document at Ex. 'H' produced by the Management for the month of March 1980 bears an endorsement "not paid leave for delivery". Succeeding page also bears that endorsement "not paid being on leave for delivery" and that is for February 1980. The leave which commenced on 9th February and continued till 18th of March was without pay. Therefore her contention that she was given maternity leave as if she was a full time employee cannot be accepted. Considering the material that is on record it is difficult to accept her version that she was appointed on full time basis. She states in her statement of claim that she was asked to work full time and she was in fact doing full time work she also stated in para 6 that she "desisted and requested for a regular order as was issued in the past. But Assistant Manager refused to issue the same and assured for regular job if she continued the work for 6½ hours within short period" workman further submits that workman was attending duty for 6½ hours per day being needy and casual one. She has also given the details of work she was doing and mentioned that she was paid consolidated salary of Rs. 115. In my view this averments by her would not justify a finding in her favour in the teeth of emphatic denial by the other side and in view of the material I have referred to above. The fact that she continued to receive consolidated salary of Rs. 115 per month renders the Management's version more probable and therefore acceptable.

16. However her claim for regularisation is difficult to reject. She was appointed way back in the year 1978 and continues to work till today. She time and again requested the Management to give her regular appointment which was not given. To keep her on consolidated salary of Rs. 115 per month for all these years is difficult to appreciate. In support of her plea, for regularisation she has relied upon two decisions one in the case State of Haryana and other etc. Appellants Vs. Piarasingh and others etc. respondents reported in 1992 Supreme Court 2130. Therein guiding principles have been given. It is observed "if for any reason ad hoc or temporary employee is continued

for a fairly long scale the Authorities must consider his case for regularisation provided he is eligible and qualified according to rules and his appointment does not run counter to the reservation policy of the State. If such person is regularised he should be placed immediately below the last regularly appointed employee in that category, class of service, as the cases may be." It is further observed that efforts must be made to regularise work charge employees and casual labour as early as possible subject to they being qualified and subject to availability of work. The Management has not taken any steps to regularise her appointment and give her wages which regular employee gets. It is true since she was a part time employee she would get only emoluments commensurate with her part time employment but she must get the benefit on that basis and not made to work on consolidated salary of Rs. 115 per month for years.

17. There is another decision of the Bombay High Court reported in 1990 (3) Bombay C.R. page 721 wherein part time teachers working for long spell ranging from 40 to 32 years moved the High Court and asked for regularisation and salary on that basis of part time work on par with regular employees. The contention was accepted. Merely saying that she was ineligible and therefore not appointed on regular basis is not enough. How she became ineligible for appointment after having been made to work for so long is difficult to comprehend. Besides alongwith the written submission a letter of the Deputy Manager addressed to the Zonal Manager on 9th December, 1987 is produced and all that is stated therein is that since she was part time employee there was no question of regularisation. Point of eligibility is not at all raised therein. In my view the action of the employer in non regularising the services of Smt. L. S. Rane a part time casual labour is not justified.

18. The point is what is the relief she is entitled to ? The decision of the Bombay High Court referred to above gives the guidelines and the same, with respect, could be followed. In that case the Court declared the petitioners as the permanent part time Government servants effective from the day they had completed 3 years service in their respective assignment. They were held entitled to all the benefits from their status of being permanent by part time Government servants, that they were held entitled to half the salary of full time teachers as was available to the part timers working in colleges of Arts, Commerce, Science and education as per the Government resolution and to half the dearness allowance as admissible to full time employees again as per the Government's resolution, held entitled to arrears upto January 1990 and direction to work out these arrears was also given.

19 In this case before me the fixing of the date of regularisation will have to be done. In her letter dated 12th of August 1981 to the Zonal Manager (West) she has stated that she has been in service for over 3 years and felt that she was due for a permanent absorption in the organisation. In my view the guidelines laid down by the Bombay High Court also say that on completion of three years service the petitioners could be declared to have permanent part time Government servant's status. I would do the same and direct that with effect from 1st of June, 1981 the services of Smt. Rane are regularised as permanent part time employee of the Food Corporation of India and she is entitled to all the benefits arising from that status and be paid differences in emoluments which she would have been entitled to as a result and the emoluments already paid.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1994

का. घा. 36.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में एम ई सी एल के प्रबंधन के संबंध निगोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भवनेश्वर के पंचयट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-12-94 को प्राप्त हुआ था।

[मं. एल - 22012/408/91 - आई आर (सी - II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 12th December, 1994

S.O. 36.- In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the ward of the Industrial Tribunal Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.F.C. Ltd. and their workmen, which was received by the Central Government on 12-12-1994.

[No. L-22012/408/91-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri P. K. Tripathy, M.A.L.L.B.,
Presiding Officer, Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 7 of 1992 (Central)

Bhubaneswar, the 30th November, 1994

BETWEEN

The management of Ib Valley Area of South Eastern
Coalfields Ltd., Brajrajnagar, Dist. Sambalpur.
..First party-management.

AND

Their workman Sri Radhakrishna Sha, represented
through Rashtriya Koyla Khadan Mazdoor Sangha,
Rampur Colliery Branch, At/P.O. Rampur Colliery
Dist. Sambalpur ..Second party-workman.

APPEARANCES :

None—For both the parties.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-22012/408/91-IR (C-II) dated 26-3-92 :—

"Whether the action of the management of Ib. Valley Area of South Eastern Coalfields Ltd., Brajrajnagar Dist. Sambalpur (Orissa) in not considering the date of birth of Shri Radhu Krishna Sha, Ex-Timber Mistry as 1-7-1936 as per the identity card and C.M.P.F. record and not giving employment to his dependant as per the provisions of NCWA-IV 9.4.3 (ii) was justified ? If not, to what relief the workman is entitled to ?"

2. This case was posted to 23-11-94 for hearing at Sambalpur circuit. On that date the management being found absent, it was set exparte and the workman was directed to lead exparte evidence on 24-11-94. The workman did not appear on the aforesaid date and no step was also taken by him. From the conduct of the parties, it appears that they are no more interested in the 'lis' perhaps for the reason that the dispute under reference might have been amicably settled between them. In absence of any evidence and keeping in view the conduct of the parties as aforesaid, this Tribunal has no other option than to pass a no dispute Award in the case and accordingly a no dispute Award is passed in so far as the present reference is concerned. Dictated and corrected by me.

P. K. TRIPATHY, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 1994

का.आ. 37.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-94 को प्राप्त हुआ था।

[संख्या एन-12012/888/88/डी. 2(ए) प्राई.आर. बी 2]

बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 14th December, 1994

S.O. 37.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 13-12-1994.

[No. L-12012/888/88-D.II-A/IR (B-1D)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/13 of 1989

Employers in relation to the management of Bank of India

AND

Their Workmen.

APPEARANCES :

For the Employers—Mr. V. V. Joshi, Representative.

For the Workmen—Mr. M. D. Shringarpure, Representative.

Bombay, the 24th November, 1994

AWARD PART-II

On 4-10-94, by giving Award part I, I came to the conclusion that the departmental enquiry that was held against the workman Shri Uttkar is proper and the confession was not obtained from the worker by coercion or undue influence. Now I have to decide the issues Nos. 3, 4 and 5 in the matter. The issues and my findings thereon are as follows :

ISSUES

FINDINGS

3. Whether the action of the management of Bank of India in dismissing from service Shri D. M. Uttkar is justified ? No

4. If not to what relief is the workman entitled ? As per order below.

[UO??]

5. What Award ? As per order.

REASONS

2. The Chargesheet dated 21-7-86 (Annexure I to the written statement) reveals that the workman Shri Uttkar demanded bribes from persons who were in need of employment. He took that amount for helping the persons to expedite their employment cards from the Employment Exchange and to get a job in the Bank of India. The charges

are dealt with and at the end it is said that thus the Workman committed a misconduct of accepting bribe from members of public by giving or making false promises to get a job in the Bank. Para 19.5 (J) of the Bipartite Settlement reads as follows :

"Doing any act Prejudicial to the interest of the Bank."

The Enquiry Officer, taking into consideration the charges proved, passed an order on February 2, 1987 and dismissed him from services without notice and allowed him to prefer appeal within 45 days. The worker preferred to appeal before the Zonal Manager on 29-4-87. The Appellate Authority by its order dated 26-6-87 confirmed the order that was passed by the Disciplinary Authority. While passing these orders, the Authorities had taken into consideration the past record of the workman and the punishment awarded to him. No doubt they are justified in doing so, but what has to be seen in this particular case is that what is the charge proved against the workman. It is admitted position that the workman was a watchman. It is impossible for a watchman to give a job to anybody. Under such circumstances, accepting a bribe for giving job to 3rd persons by a watchman can be at the most said that he has cheated the person. So far as the position is concerned, it is impossible that on the assurance of the watchman a job will be provided to anybody by the management. The Assurance of the workman to give job means showing readiness and allowing to sell the property which does not belong to the person. In other words, it can be said that what was assured by the Watchman was impossible for him to comply. I therefore find that the amounts which are paid by these different persons no doubt are paid by them on the demand of the workman. But looking to the capacity of the watchman I am not inclined to accept that the punishment which is awarded to him is proportionate. It is grossly disproportionate. Para 19.6 deals with the punishment when an employee is found guilty of gross misconduct in the Bipartite Settlement. The punishments are as under :

- To be dismissed with notice or
- To be warned or have adverse reminder entries against him
- To be fined.
- Have his increment stopped.
- Have his misconduct condoned or to merely discharge.

Looking to the facts narrated above, the maximum punishment awarded to the workman appears to be disproportionate. It appears to have been given only because on earlier occasions the workman had committed a gross misconduct. Infact this punishment would have been given at that time when the worker was charged of the misconduct. But so far as the present charge is concerned, it does not warrant dismissal without any notice.

3. Taking into consideration his earlier mis-conducts, I find that his three increments are to be stopped permanently and furthermore, by reinstatement he should not be allowed to have any salary. In the result I record my findings on the points accordingly and pass the following order :

ORDER

- The action of the management of Bank of India in dismissing from service Shri D. M. Uttkar is not justified.
- The management is directed to reinstate the workman Shri Uttkar with continuity in service.
- The workman Shri Uttkar is not entitled to any back wages.
- The workman Shri Uttkar is not entitled to three increments permanently.
- No order as to costs.

Dated : 24-11-1994.

S. B. PANSE, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 1994

का.प्र. 28--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, बम्बई, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/146/90-आई आर.बी.-2]

वी.के. शर्मा, बैंक अधिकारी

New Delhi, the 14th December, 1994

S.O. 38.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 13-12-94.

[No. L-12012/146/90-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/15 OF 1990

Employees in relation to the Management of

BANK OF BARODA

AND

THEIR WORKMEN

APPEARANCES:

For the Employers : Mr. L. L. D'Souza Representative.

For the Workmen : Mr. Nitin R. Bodke, Advocate.

Bombay, dated 11th November, 1994

AWARD

PART-II

On 10-8-94, I gave findings on the preliminary issues Nos. 1 & 2. They were relating to the preliminary enquiry which was held against the workman, I came to the conclusion that the principles of natural justice were not followed. The Bank was allowed to lead evidence in the matter. Now the issues which are to be decided are as follows along with my findings thereon :

ISSUES

FINDINGS

- | | |
|---|---------------------|
| 3. Whether the action of the management of Bank of Baroda Regional Office, Panaji, Goa in dismissing the services of Shri M. W. Joshi w.e.f. 29-5-86 is justified ? | In the affirmative |
| 4. If not, to what relief the said workman is entitled ? | Does not survive |
| 5. What Award ? | As per order below. |

REASONS

2. It is not in dispute that the workman Shri Joshi was working as a Cashier. The Branch being a very small branch the Cashier was also required to look after some

clerical jobs. It is not in dispute that Shri Joshi along with his wife had savings account no. 160 in the said branch. Shri Joshi in categorical terms admitted the fact that on 26-4-85 and on 29-4-85 he withdrew Rs. 12,000/- and Rs. 3,000/- respectively from the said account.

3. The Workman had contended that he could withdraw that amount as the Branch Official agreed to give him over draft facility. On the other hand it is alleged on behalf of the management that the workman made a fictitious entry of Rs. 15,000/- in the Savings Account no. 160 along with the balance therein on 6-4-85. By the said entry, the balance was increased to Rs. 15,019.25. Thereafter, those entries were scored by the workman by tampering the Office records viz. the ledger books. When the fraud was noticed, he was informed regarding the same and subsequently he deposited the amount of Rs. 15,000/- in the Bank on 10-5-1985. He later on also deposited the interest thereon.

4. Now, it has to be seen from the record whether the workman was really given the facility of Over draft or not. So far as the Over draft facility is concerned, it is never given on the saving account. It is always to the cash credit account. It can be further seen that when an over draft facility has to be granted, a written application has to be given, but admittedly the workman had never given such an application. No doubt, Mr. Shenai the witness of the management had admitted that in exceptional cases the Bank grants that over draft facility on an oral request. It appears that the workman wants to rely on this admission that his case falls under the exceptional cases. It cannot be forgotten that the workman was an employee of the Bank. Naturally, he is not a different person from the other Bank employees and from the customers. It is a common knowledge that exceptional facility is given to the big customer. This workman by no stretch of imagination can be said to be a big customer of the Bank, entitling him the over draft facility on an oral request. Furthermore, in the statement of claim and by way of amendment the workman had not made it clear that he was given an over draft facility by way of exception.

5. For the sake of argument, if it is said that the over draft facility for temporary purpose was given to the workman then the rules regarding the same which are framed by the Bank are to be seen. Here in this case, it can be seen that the amount was withdrawn by the worker on 26-4-85 and on 29-4-85 and he deposited the same on 10-5-85 and after he was asked to do so. I therefore find that his case also does not fall under the temporary over draft facility.

6. The rules of the Bank further clarifies the position in respect of the accounts of the members of the staff. It is categorically mentioned there that in the staff account there should not be withdrawals which are made against the cheque pending resolution and also that no over draft facility is allowed pertinent to savings account. Admittedly, account no. 160 of Mr. Joshi the workman was a saving account and he was not entitled to have the over draft facility.

7. That takes me to the acts of the workman. It is a common knowledge that when an over draft facility is given on the job of the Bank it is marked with red ink. It is mentioned there that a particular amount of over draft is allowed to that particular account holder. It can be further seen that when such over draft is paid to the account holder such an entry is made in red ink and when the payment is made back then it is marked or made in black ink. Here in the account of Mr. Joshi there is no such mention. The workman wants to rely on the fact that the Regional Manager instructed the Manager to consider the alleged over drawn amount as the over draft. It does not mean that the Bank agreed for treating the amount to be the over draft payment. It appears that at a stage for reasons best known to the management they might have thought it fit to consider the case of Mr. Joshi the workman to be the over draft payment. But it appears that they did not consider the same. They considered it for the sake of recovery and for leaving interest thereon. Mr. Shenai in his affidavit clearly denied any over draft facility was granted to the workman.

The workman had not lead any evidence to show that he made request for getting such an over draft facility. Therefore I find that the stand taken by the workman is false.

8. From the Ledger (Exh. 22) it can be seen that on 6-4-85 the balance of the account was increased to Rs. 150.00. Exh. 23 is an extract of the cash receipt and payment book managed by Mr. Joshi on a relevant date. On that day he did not receive Rs. 15,000/- in the savings account No. 160. Exh. 24 is a credit scroll of that particular day. If really the amount would have been deposited on that day then it would have been reflected in the same. Exh. 25 is an extract from the transfer scroll wherein there is no mention of depositing Rs. 15,000/- by Mr. Joshi. Exh. 26 is a cheque and Exh. 27 is a withdrawal slip. It is by these two documents he had withdrawn Rs. 12,000/- and Rs. 3,000/-. The fact that he has withdrawn these amounts from his account clearly goes to show that he was aware of the fact that there was a balance. I am not inclined to accept the fact that the person who works in the Bank is not aware of the fact, what is the balance in his account. The withdrawal clearly goes to show that he had an intention to de-fraud the Bank. Clearly speaking it was not necessary to deal with aspect as Mr. Joshi had admitted the fact of withdrawal. His case is that of over draft, which I am not inclined to accept.

9. The workman in his argument tried to suggest that in the letter dated 16-5-85 which was addressed by the Regional Manager to Shri Joshi there is no mention to complained. No doubt in the letter (produced at the time of argument) there is no mention of the complainant. It is not at all necessary to mention the name of the complainant where the fact is proved. I do not find any substance in the argument as no name of the complainant is mentioned therein and the charges are baseless.

10. It is tried to argue that Mr. Sheth the then Branch Manager and the Ledger Keeper at a relevant time are not examined by the Bank. It can be seen that this entry in the account was made by the worker. So far as Mr. Shet (wrongly typed Mr. Sheik correct one) was the Manager who signed the cheques. He could do so only because after signing the Ledger Book at that relevant time Mr. Sheik was not there and was on leave. Mr. Sheik thought the initials on the Ledger book to be that of Mr. Shenai and after confirming the balance therein passed the cheque. It is tried to argue on behalf of the workman that as the Handwriting Expert has not examined an adverse inference has to be drawn. I am not inclined to accept this. Because to have the opinion of the Handwriting Expert it is necessary that there should be some writing. Here in this case only the initials are there and from that it is not possible for the Handwriting Expert to give a proper opinion. If he opines then it would be assailed. I do not find any flaw for not examining of the Handwriting Expert.

11. It is tried to argue on behalf of the worker that the Branch Manager advised him to discuss the matter with the Regional Manager. The workman affirmed that he approached the Regional Manager and pointed out the discrepancies in his letter dated 16-5-85. It is tried to argue that it was the responsibility of the management to examine the relevant Regional Manager to deny this. I am not inclined to accept this. If another allegation is made then it is not necessary for the management to deny the same by asking that particular man to enter into the witness box. That job is done by Mr. Shenai the then Branch Manager by his affidavit. It is tried to suggest that the acts were done at the instance of the Branch Manager and he accepted it. Here there is a glaring evidence that in the savings account of Mr. Joshi the balance was increased. That entry appears to have been made by Shri Joshi. At that time Mr. Shenai was the Branch Manager. It is a common knowledge that every time every extract is not taken to the Branch Manager. But when the withdrawals were made Mr. Shet was there. In other words, if it is accepted that the worker was given the facility of over draft it was on 6th April, 1985. If that appears so, he would have withdrawn that amount immediately. Furthermore, there is no evidence on behalf of the worker that after getting that facility why he had withdrawn the amount on two occasions. All acts of the worker appear to be suspicious. The affidavit of Mr. Shenai is clear in its terms. I do not find any reason to reject the

same. He in categorical terms affirmed that the Ledger book was written by the worker and thereafter he scraped the same and damaged the Bank's property.

12. There are six heads by which the workman was charged. Out of these six heads so far as the withdrawal of Rs. 12,000/-, Rs. 3000/- and the deposit of Rs. 15 000/- are concerned it is admitted position. From the evidence of Shri Shenai and the balance which I have referred upon it is very clear that the workman made a fictitious credit entry of Rs. 15,000/- by which the balance was increased in his savings account No. 160 and later on he cancelled these entries by offsetting all the facts of this entry. While doing so, he made initials resulting in the tampering of the balance of the Bank's books and other records of the Bank and tried to conceal the fraudulent acts committed by him.

13. In S. K. Awasthy U/s. M. R. Bhope, Presiding Officer, 1st Labour Court & Ors. 1994, ICRC 254 Their Lordships have observed that :

"It is well settled that the Indian Evidence Act is not applicable to the evidence recorded before the Labour Court or Industrial Tribunal and even hear say evidence is admissible. It is also well settled that the standards of a criminal trial can not be applied in a departmental enquiry or in an enquiry before the Labour Court or Industrial Court even if the charge is of criminal nature. The standard of proof required to be applied is of preponderance of probabilities."

The principles laid down in this authority are aptly applicable to the present set of facts. In all probabilities I find that the workman had increased the balance of his savings account by Rs. 15,000/- and who has withdrawn the same when Mr. Shenai the Regional Branch Manager was absent and later on scraped those entries to remove the evidence from the record, and thus committed fraudulent acts.

14. The punishment which was awarded to the workman cannot be said to be improper. It is because he had defrauded the Bank for Rs. 15,000. The fact that he later on deposited the amount and paid interest thereon cannot be the ground to reduce the punishment. It can be further seen that it is tried to suggest that the workman was the leader of the Union and has unblemished record. That does not mean that any act committed by him can be easily forgotten. No doubt that can be done when the act is minor. Here it is taking away of the Bank's amount, and cannot be pardoned at all. For all these reasons I record my findings on the points accordingly and pass the following order :

ORDER

1. The action of the Management of Bank of Baroda, Regional Office, Panaji, Goa in dismissing the services of Shri M. W. Joshi w.e.f. 29-5-86 is justified.

2. No order as to costs.

S. B. PANSE, Presiding Officer

Dated : 11-11-1994.

नई दिल्ली, 15 दिसम्बर, 1994

का.मा. 39—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार से डाटा प्रायरेन एण्ड स्टील कम्पनी लिमि. को जामाशेवा कोसियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, (सं. I) घनबाव के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-94 को प्राप्त हुआ था।

[संख्या एल-20012/146/93—आई धार (कोल-I)]

राज मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 39.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jamadoba Colliery of TISCO and their workmen, which was received by the Central Government on the 12-12-1994.

[No. L-20012/146/93-IR(Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 66 of 1994

PARTIES :

Employers in relation to the management of Jamadoba Colliery of M/s. TISCO Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal

Dated, the 25th November, 1994

AWARD

By Order No. L-20012/146/93-I.R. (Coal-I) dated 24-3-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Jamadoba Colliery of TISCO Ltd. in dismissing from service, Shri Amar Singh, Heavy Tyndal Madoor w.e.f. 4th September, 1991 is justified? If not, what relief is the workman entitled to?"

2. The order of reference was received in this Tribunal on 4-4-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman which was received by the sponsoring Union. Despite chances, neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 15-11-94 no one was present on behalf of the workman. It appears that the sponsoring Union has lost interest in this case or that it now has no dispute with the management.

3. Therefore, I render a 'no dispute' award in this present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1994

का.आ. 40—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं, भारत कोलिंग कोल लिटि. की नुदकुरकी कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण, (स. 1), धनबाद के पक्ष को को प्रकाशित करती है, जो केन्द्रीय सरकार का 13-12-94 को प्राप्त था।

[संख्या एन-20012/39/90-आई आर (कोल-I)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 40.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nudkharkee Colliery of M/s. BCCL and their workmen, which was received by the Central Government on the 13-12-1994.

[No. L-20012/99/90-IR(Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 260 of 1990

PARTIES :

Employers in relation to the management of Nudkharkee Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 25th November, 1994

AWARD

By Order No. L-20012/99/90-I.R. (Coal-I) dated 15-11-90 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the management of Nudkharkee Colliery in Block-II Area of M/s. BCCL is justified in not providing employment to Shri Tarini Mahato said to be the dependent brother of deceased employee Late Jagdish Mahato Ex-O.B.R. who died on 21-10-1988 while in service? If not, to what relief he is entitled?"

2. When the case was taken up for hearing, Shri D. Mukherjee, appearing for the sponsoring Union submitted that the concerned workman, Shri Tarini Mahato, has since been provided employment in connection with another case, hence now the sponsoring Union has no dispute in connection with this reference case.

3 Under the circumstances, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1994

का.आ. 41—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. टाटा आयरन एंड स्टील कंपनी लिटि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-94 को प्राप्त हुआ था।

[संख्या एल-20012/373/91-आई आर (कोल-1)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 41.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tata Iron & Steel Co. Ltd. and their workmen, which was received by the Central Government on the 13-12-94.

[No. L-20012/373/91-IR (Coal)-1]
BRAJ MOHAN, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 56 of 1993

PARTIES :

Employers in relation to the management of
Tata Iron & Steel Co. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.
For the Workmen.—None.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 24th November, 1994

AWARD

By Order No. L-20012(373)/91-I.R. (Coal-I), dated, 8-1-93, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Tata Iron & Steel Co. Ltd., Jamadoba, Dhanbad

in transferring Shri S. P. Shukla, Senior Security Guard, Ticket No. 4738 Jamadoba Sector vide their order No. SD/8/281/90 dated 24-4-90 is justified ? If not, to what relief the workman is entitled ?”

2. The order of the reference was received in this office on 11-2-1993. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman, which was duly delivered. But neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 10-11-1994 no one was present on behalf of the workman.

3. It, therefore, appears that the sponsoring Union has lost interest in this reference or that it now has no dispute with the management.

4. I am, therefore, constrained to render a ‘no dispute’ award in this case.

5. Accordingly, I pass a ‘no dispute’ award in the present reference case.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 15 दिसम्बर 1994

का.आ. 42—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिटि. के महदा क्षेत्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-94 को प्राप्त हुआ था।

[संख्या एल-20012/199/93-आई आर (कोल-I)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 42.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. D, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mohuda Area of M/s. B.C.C.L. and their workmen, which was received by the Central Government on the 13-12-94.

[No. L-20012/199/93-IR (Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 115 of 1994

PARTIES :

Employers in relation to the management of
Mohuda Area of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri H. Nath, Advocate.

For the Workmen.—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 25th November, 1994

AWARD

By Order No. L-20012/199/93-I.R. (Coal-I) dated 4-5-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Murulidih 20/21 Pits of M/s. BCCL, under General Manager, Mohuda Area of M/s. BCCL. P.O. Dt. Dhanbad in refusing to refer Sh. Bishun Bhuiya U/G Loader to Medical Board for assessment of his injury is justified? If not, to what relief is the concerned workman entitled?”

2. The order of the reference was received in this Tribunal on 10-5-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman, which was duly delivered. But neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 24-11-94 no one was present on behalf of the workman.

3. It appears that the sponsoring Union has lost interest in this reference or that it now has no dispute with the management. In the circumstances I am constrained to render a ‘no dispute’ award in this case.

4. Therefore, I render a ‘no dispute’ award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1994

का.आ. 43.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के शून्यकरण में, केन्द्रीय सरकार, श्री श्याम इन्डस्ट्रीज (हार्ड कोक भट्टा), धनबाद के प्रबंधकों के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (न. 1), धनबाद के पंचायत को प्रस्तुत करने है, जो केन्द्रीय सरकार को 13-12-94 को प्राप्त हुआ था।

[संख्या एन-20012/60/93-आई आर (कोल-1)]

नरेंद्र मोहन, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 43.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the 29/8 GI/94—4

Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sh. Shyam Industries (Hard Coke Bhatta), Dhanbad and their workmen, which was received by the Central Government on the 13-12-94.

[No. L-20012/60/93-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 72 of 1994

PARTIES :

Employers in relation to the management of Shri Shyam Industries (Hard Coke Bhatta), Dhanbad.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate

For the Workmen.—None.

STATE : Bihar. INDUSTRY : Hard Coke Bhatta.

Dated, the 24th November, 1994

AWARD

By Order No. L-20012(60)/93-I.R. (Coal-I) dated 25-3-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Shri Shyam Industries, Matkaria at & P.O. and Dist. Dhanbad in stopping Shri Krishna Bhuiya from the services of the company is justified? If not, to what relief the workman is entitled and from what date?”

2. The order of reference was received in this Tribunal on 4-4-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman which was duly delivered. Despite adjournments neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 15-11-94 no one was present

on behalf of the workman. In the circumstances, I am constrained to pass a 'no dispute' award in this case.

2. Therefore, I pass a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 1994

का.प्र. 44.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अहमदाबाद कन्टोनमेंट बोर्ड, अहमदाबाद के प्रबन्धकों के संबंध में उनके कर्मचारियों के बीच, अनुसरण में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 15-12-94 को प्राप्त हुआ था।

[संख्या एल-13012/3/89-डी 2(बी)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 44.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Ahmedabad Cantonment Board, Ahmedabad and their workmen, which was received by the Central Government on 15-12-1994.

[No. L-13012/3/89-D.II (B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/44 of 1989

Employers in relation to the management of Ahmedabad Cantonment Board, Ahmedabad.

AND

Their Workmen.

PRESENT :

Shri S. B. Panse, Presiding Officer.

APPEARANCES :

For the Employers—Mr. A. N. Kulkarni, Advocate.

For the Workmen—Mr. H. R. Acharya, Representative.

Bombay, the 23rd November, 1994

AWARD

Shri Rammilan B. Kori was appointed as a Chowkidar on daily wages in the month of September 1984 and was being paid the wages at the rate of Rs. 10 to Rs. 15 day by the Opponent. The payment was made monthly. He continued in the services without any break and completed 206 days in a year. He performed his duties faithfully, diligently properly and obediently to the satisfaction of his superiors. When he had been continued in the services, after the completion of 240 days of service, he made an oral request to the Ahmedabad Cantonment Board to take him in the regular vacancy. When he was not taken into the regular vacancy, he approached the union for redress.

2. The union contended that several efforts were made and the decision was taken by the Joint Consultation Machinery at the local level and at the command level wherein it

was agreed to take the workman in a regular vacancy. But even then no orders were made and hence it raised an industrial dispute before the settlement Commissioner. He in turn sent a negative report of the same to the Labour Ministry. Ultimately it sent the reference to this Tribunal for adjudication. It is in the following terms :

'Whether the management of Ahmedabad Cantonment Board has deprived Shri Rammilan B. Kori from getting regular wages w.e.f. September 1984 and regular appointment as Chowkidar with all other consequential benefits?'

3. The Cantonment Board opposed the claim for appointing Shri Rammilan Kori in a regular vacancy of Chowkidar with effect from September 84, and for payment of regular wages from that date with other consequential reliefs on the ground that he was not appointed through proper channel, i.e. from the employment exchange. It is averred that the decision taken by the Cantonment Board wilfully are not in respect of the case of the workman but they are of the general nature. It is further averred that the rules for appointments are mentioned in the Cantonment Board Service Rules, 1937 and the relaxing authority is the Government of India and nobody else can relax the same. It is averred that unless the Government of India, Ministry of Defence, regularises the service of the workman who is the Competitive Authority nobody else has the power to relax it. The Authority has no powers to relax a particular provision of the rules. Under such circumstance, it is substituted that the prayer of the workman cannot be granted.

4. My Learned Predecessor framed issues for determination at Exh. 5. The issues and my findings thereon are as under :

ISSUES

FINDINGS

1. Whether the management of Ahmedabad Cantonment Board has deprived Sri Rammilan Kori from getting regular wages w.e.f. September 84 and regular appointments as Chowkidar with all other consequential benefits ? negative
2. If so, to what relief the workman is entitled ? Does not survive.
3. What Award ? As per order below.

REASONS

5. Shri K. M. Acharya, the General Secretary of the Ahmedabad Cantonment Board Employees Union had filed his affidavit at Exh. 7 and affirmed that Shri Rammilan Kori was working on a daily wage as a Chowkidar from September 84 to January 15, 1985 and again from 17-2-85 to 28-2-86 as per the certificate issued by the C.E.O. dated 16-3-86. He admitted that a general decision was taken regarding the regularisation of the services of the employees who had worked for more than 240 days in the meeting of J.C.M. held on 13-6-1988, and not particularly in respect of the workman concerned. That clearly goes to show that the decision relating to regularisation of the services of the workman was not taken in one particular meeting Shri G. S. Rajeshwaran (Exh. 8) the Executive Officer of the Ahmedabad Cantonment Board tried to affirm that the workman had not worked from September 1984 but had worked from November 1984 appears to be without any basis because the certificate issued by the Board which is on the record clearly goes against the version. He had affirmed that the Central Government had powers to relax the Mandatory regulation of appointment of only those candidates who are sponsored by the employment exchange. Admittedly, Shri Rammilan B. Kori was not sponsored by the employment exchange. He had further affirmed that the Board had no powers to regularise his vacancy. Through his cross-examination, nothing is brought on the record to support the case of the workman.

6. Alongwith Exh. 6 a letter which was sent by the President of the Union to the Tribunal, letter sent by the Under Secretary to the Government of India, to the District General

Director of defence states Ministry of Defence is produced on the record. It states as under :

"In relaxation of Rule 5-B (i) of the Cantonment Fund Servants Rules 1937, I am directed to convey the sanction of the President to the regularisation of services of the Cantonment Board Employees of Ahmednagar Cantonment with effect the dates shown against each in Annexure-I to this letter."

This clearly goes to show that the Government considers the case of the persons whose appointments are to be regularised. The case of the workman also falls under the same cadre. It is for the Government to decide whether his services has to be regularised or not. This document helps the management i.e. the Opponent than the workman.

7. On behalf of the Opponent reliance was placed on Delhi Development Horticulture Employees Union V.s. Delhi Administration Delhi and Others 1992, I, CLI 537. They say that the case wherein the workers who work on daily wages in some departments have claimed that they appointed as regular labourers. Their contention was rejected while doing so Their Lordship in para 23 said that :

"Apart from the fact that the petitioners cannot be directed to be regularised for the reasons given above, we may take note of the pernicious consequences to which the direction for regularisation of workman on the only ground that they have put in work for 240 days or more days, has been leading. Although there is Employment Exchange Act which requires recruitment on the basis of registration in the Employment Exchange, it has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchange, and to employ and get employed directly those who are either not registered with the Employment Exchange or though registered are lower in the long waiting list in the Employment Register. The Courts can take judicial notice of the fact such employment is sought and given directly for various illegal consideration including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 or more days with a view to give the benefits of regularisation knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularised. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchange for years. Not all those who gain such back door entry in the employment are in need of the particular jobs. Though already employed elsewhere, they join the jobs for better and secured prospects. That is why most of the cases which comes to the courts are of employment in Government Departments, Public Undertakings or Agencies. Ultimately it is the people who bear the heavy burden of the surplus labour. The other equally injurious effect of indiscriminate regularisation has been that many of the agencies have stopped undertaking casual or temporary works though they are urgent or essential for fear that if those who are employed on such works are required to be continued for 240 or more days have to be absorbed as regular employees although the works are time-bound and there is no need of the workmen beyond the completion of the works undertaken. The public interests are thus jeopardised on both counts."

8. The observations made in this para is aptly applicable to the set of facts before me. The workman concerned was appointed on a daily wages as a Chowkidar without asking the Employment Exchange to send names for the said appointment. As this is so, while appointing the worker on daily wages the Appointing Authority has contravened the provisions relating to the appointments and now the workman cannot take the benefit of the fact that he worked for more than 240 days in a particular year and is entitled to get the service in a regular vacancy. Relying on the observations on the above said Authority I find that there is no justification in the case of the workman and I record

my findings on the points accordingly and pass the following order :

ORDER

1. The management of Ahmedabad Cantonment Board has not deprived Shri Rammilan B. Kori from getting regular wages w.e.f. September 1984, and regular appointment as Chowkidar with all other consequential benefits illegally.
2. No order as to costs.

Dated : 23-11-1994.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1994

का.आ. 45.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय राजदूतावास, दोहा में प्रथम सचिव (श्री पी.के. भुटानिया को 14 नवम्बर, 94 से सश्रम प्राधिकारी की शक्तियों का प्रयोग करने तथा उन नियोजकों जो उस देश में रोजगार के लिए किसी भारतीय नागरिक को भर्ती के प्रयोजार्थ भारतीय नागरिक नहीं है, को परमिट जारी करने के लिए, प्राधिकृत करती है।

[संख्या ए-22020/1/91-उत्प्रवास]

पी.पी.पी. बाबू, उत्प्रवास महासंरक्षी तथा
श्रम एवं रोजगार सलाहकार

New Delhi, the 16th December, 1994

S.O. 45.—In exercise of the powers conferred by sub-section (2) of Section 15 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises w.e.f. 14th November, 1994 Shri P. K. Bhutania, first Secretary in the Embassy of India, Doha, to exercise the powers of competent authority and to sign the work permits to the employers, who are not citizens of India, for the purpose of recruiting any citizen of India for employment in that country.

[No. A-22020/1/91/Emig.]

P. P. P. BABU, Protector General
of Emigrants and Labour & Employment Adviser

नई दिल्ली, 22 दिसम्बर, 1994

का.आ. 46.—केन्द्रीय सरकार में यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के (उपखंड VI) उपधर्षों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1647 दिनांक 27 जून, 1994 द्वारा बेंगलूर प्रेम, वेवाम (मध्य प्रदेश) को उक्त अधिनियम के प्रयोजनों के लिए, 27 जून, 1994 से छ माह की कालावधि के लिए, लोक उपयोगी सेवा धोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ मास की और कालावधि के लिए, बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के उपखंड (VI) के परन्तुक द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोग के लिए 27 दिसम्बर, 1994 से छः मास की और बालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/14/85-डी-1(ए)]
एस.एस. पाराशर, अवर सचिव

New Delhi, the 22nd December, 1994

S.O. 46.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 1647 dated the 27th June, 1994 the Bank Note Press, Dewas (M.P.) to be a public utility service for the period of six months, from 27th June, 1994;

And whereas, the Central Government is of opinion the public interest requires that extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 27th December, 1994.

[No. S-11017/14/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 22 दिसम्बर, 1994

का.आ. 47.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, प्रबन्धन में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 दिसम्बर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-94 को प्राप्त हुआ था।

[संख्या एल.-12011(29)/90-आई. आर.बी III/बी.आई]
पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 47.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. I, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on the 14-12-1994.

[No. L-12011(29)/90-IR. B.III/B.I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar. Presiding Officer

Reference No. CGIT 90 of 1990

PARTIES :

Employers in relation to the management of Reserve Bank of India.

AND

Their Workmen

APPEARANCES :

For the Management.—Shri Tiwari, Dy. Legal Adviser.

For the Workmen.—Shri Dongre, Advocate.

INDUSTRY : Banking STATE : Maharashtra

Bombay, dated the 14th day of November, 1994

AWARD

Government of India Ministry of Labour has made following reference u/s. 10(1)(d) read with 2-A of the Industrial Disputes Act, 1947 for adjudication.

SCHEDULE

“Whether the management of Reserve Bank of India, Bombay, are justified in altering the working hours in respect of staff III and IV in UBD and DBOD at World Trade Centre, Cuffee Parade, Bombay, which was prevalent from 1977 ever since it was shifted from Fort Branch to World Trade Centre Cuffee Parade, Bombay, without complying with Section 9A of the I.D. Act, 1947? If not, to what relief are these workmen entitled to

2. Statement of claim has been filed by the Vice President, Reserve Bank of India employees Association, Bombay.

3. Till 1976 department of Banking operations and Development (hereafter referred to as DBOD) was located in the main building of the Reserve Bank of India in Fort area. In the year 1977 this department was shifted to World Trade Centre at Cuff Parade Bombay. There was a strong reaction from the staff working in that department because of the proposed shifting. A suit also came to be filed in the City Civil Court, Bombay. To avert crises the Deputy Governor, Reserve Bank of India invited representatives of the staff members to discuss the matter and the management informed the representatives that the shifting was a temporary measure and that the department would be brought back to the Fort area as soon as possible. The

representatives agreed to the interim arrangement. It was so decided that the total number of working hours would remain the same. However the lunch hour which was of 45 minutes would be reduced to 30 minutes and the office timings on week days would be upto 5.45 p.m. only. This was an interim arrangement until the department was reshifted to the fort area.

4. This reshifting did not take place. Only the UBD department is shifted to Worli recently. The timings fixed were observed for 14 years as agreed upon with the reduced lunch hours of 30 minutes.

5. All of a sudden unilaterally the management issued a notice dt. 19-9-89 to effect a change in the timings it was informed that the new timings would be from 10.45 a.m. to 6 p.m. with lunch interval of 45 minutes on week days and the working hours on Saturdays would be 10.45 a.m. to 2.15 p.m. without lunch interval for class three employees and 10.30 am to 6.15 pm with 45 minutes lunch interval on week days and 10.30 am to 2.30 pm with no launch interval on Saturdays for class IV employees. There was a protest from the staff against this proposed arrangement. No effect of that notice was given pending consideration of the representation of the staff members. The representation was turned down. Another notice was displayed dated 31-3-1990 by which the change as notified in the notice dt. 19-9-89 was to be effected. Certain interim orders were sought from this tribunal on 6/12/90.

6. The Union raised an Industrial Dispute and approached the Conciliation Officer. He directed the Management to maintain status quo pending conciliation proceeding. On failure of conciliation proceeding Industrial Dispute has been referred for adjudication by Government of India as stated above.

7. The Union submits that the change being effected unilaterally without consulting the Union and without following the provisions of Section 9-A of the Industrial Dispute Acts is bad. The practice prevailing for about 14 years and on the basis of understanding cannot be altered. The reasons for altering the same given by the Management are not correct and acceptable to the Union. It is further stated that this is contrary to the recommendations of the Award of Shri Justice K. T. Desai (Part II chapter para 13.83). The contention further is that the Management's reliance upon the uniformity of timings is misplaced. They are not the same. It is in the circumstances prayed that the change proposed to be brought about may not be permitted.

8. Written statement has been filed by the Management. The Management admitted that these 2 departments were formerly in the fort area housed in the main building. It is further admitted that it was shifted to cuff Parade because of insufficiency of accommodation. Grievance was made about inadequate transport facilities and the suit filed came to be dismissed. Assurance was given that the BEST authorities would be approached for making adequate transport arrangement to enable the employees posted in the departments at cuffee parade to commute conveniently. That was done by the Management and as a special case and purely as a

temporary measure the employees in all the cadre were permitted to leave the office early by 15 minutes by reducing their lunch hour from 45 minutes to 30 minutes on week days. This facility was extended because there was no sufficient improvement in the Transport facility. Further in 1989 by letter dt. 28th of April the BEST informed about the bus routes between Churchgate and V. T. Stations to cuffee parade and on consideration of this information the Management was satisfied that adequate Transport facility was available for the employees and therefore the original timings were sought to be restored. The reason for doing so was because of the early closing of the DPOD the management was not able to coordinate the functioning of the various departments of the Central Office of the Bank. The other departments housed in several buildings all over Bombay are observing uniform timings of 10.45 am to 6.00 pm on week days with 45 minutes lunch hour and from 10.45 minutes to 2.15 pm without lunch hour on Saturdays. To enable them to adjust it was decided to give 21 days notice even though there was no need for such a notice because in effect there was no change in the conditions of service. The justification is thus given for dispensing with the notice and also the change in timings.

9. Reliance has been placed by the Management also on the awards of Justice K. T. Desai and Shri Venkatarana Ayyer which was fixed the working hours of class three employees at 6-1 1/2 hours on week days exclusive of lunch hour of 45 minutes and 3 1/2 hours on Saturdays without lunch hour. This has been approved by awards and class three employees of the Bank have been following the same. The Justification is that there was improvement in the transport facilities. That there should be uniformity of timings for smooth and effective functioning of the Bank.

10. The dispute is with regards to the change being brought about without complying with the provisions of section 9-A of the Industrial Disputes Act. There is no dispute on the point that since the 2 departments were shifted from fort to cuffee parade in 1976 the employees are being permitted to leave 15 minutes before the scheduled time of departure prevailing till then and the employees have been in lieu thereof given reduce lunch hour reduced by 15 minutes. The reasons appear to be that at that time the cuffee parade area had inadequate transport facilities. The Management found in 1989 on the basis of a communication received from the BEST undertaking that the transport facilities have been improved and there was no need to have the interim arrangement continued and therefore notice dt. 19/9/89 was issued. By that notice the decision of the Management has been conveyed and that with effect from 16th of October 1989 the timings have been brought back to the original position. The lunch interval has been restored to 45 minutes and the departure time on week days is fixed at 6 pm for class three employees and 6.15 pm for class 4 employees. On Saturdays it is fixed at 2.15 pm for class three and 2.35 pm for class IV employees. The grievance of the employees union is that the Transport facilities are still not adequate and on the contrary though there has been some increase in

the frequency of buses and introduction of new routes there has been also increase in traffic because of the new offices coming up in that area. There is no sufficient evidence to reach a conclusion one way or the other on this point. In my view the question that has been referred for adjudication is as to whether this change that is sought to be brought about could be brought about without a notice u/s. 9A of the Industrial Disputes Act.

Sc. 9-A so far as is relevant read this "Notice of change :—

No employer who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the 4th schedule shall effect such changes.

(a) Without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) Within 21 days of giving of such notice"

11. This fourth Schedule mentions at item 4 "hours of work and rest intervals" In this case the hours of work and rest intervals are changed. Rest interval is increased by 15 minutes and departure time is advanced by 15 minutes. Therefore S.9 A which says that the employer who proposes to effect any change shall not do so without giving notice to the workmen likely to be affected by such change comes in play. Management's case is that it is not necessary to give such notice contention is rather difficult to accept. A half hearted attempt appears to have been made by the Management by notifying on 19/9-89 the change which was to be effective from 16th of October 1989 and in the course of the written statement it has been stated in para 7 that "inspite of the fact that the first party had given 21 days clear notice and with normal timings for two working of the DBOD and UBD were brought into effect after the expiry of 21 days from the date of notice i.e. 16th October, 1989. This was probably with a view to say that notice of 21 days contemplated by Section 9-A(b) of the I.D. Act has been given and therefore 9-A has been complied with. But at the same time Management has come out with a case that such a notice was not at all necessary and therefore not given. Even in the course of the arguments Mr. Tiwari appearing for the Bank did not submit that notice u/s. 9-A was given.

12. Assuming for a moment that the notice dated 19-9-1989 was given it could not be construed to be a notice u/s. 9-A because the rules prescribe a form in which such a notice is to be given and that form is prescribed under rule 34 i.e. form E. It is not in that form nor is a copy of such notice is shown to have been forwarded to the Authorities mentioned in the Annexure. Therefore obviously there is no notice u/s. 9-A given by the Management.

13. Apart from the fact that the Management tries to justify this change by contending that the Transport facilities have improved and therefore there was no need to continue the concession given it has contended that the change was agreed to be of a

temporary nature and therefore there was no need for such a notice. In this connection oral evidence has been adduced. But before referring to the oral evidence I would refer to the recommendations in Desai award on which both the sides have relied. The relevant paragraph is quoted in the statement of claim and written statement also :—

"There shall be recess for lunch which shall not be less than half an hour and not more than one hour for week days (excluding Saturdays) subject however to the requirements of any statutory provisions like the shops and Commercial establishments acts. Primarily it will be for the workman to decide the actual length of recess within the limit fixed as aforesaid and the majority decision of the workmen in any branch or establishment shall be adopted in case of difference of opinion with the Management".

14. In this case before me the recess have been not reduced below half an hour but it has been changed from 45 minutes to half an hour. Therefore the Management should not have taken a unilateral decision to increase that to 45 minutes without taking the workmen in confidence. For the purposes of fixing the hours for lunch the award says that it will be primarily for the workmen to decide the actual length of recess though it has to be within the limit fixed which limit shall not be less than half an hour and not more than one hour for week days. If there is a difference between the Management and the workmen the majority decision of the workmen in any branch or establishment is expected to be adopted. Therefore when the Management notified unilaterally on 9th of September, 1989 the change in the duration of lunch recess and the workmen objected to it the Management will not be justified even under the award in altering it and if the Management wanted to do it (assuming that it could do it inspite of the award) then it should have complied with the provisions of Section 9-A by giving a notice in a prescribed form.

15. The Management's contention is that this is not a change at all and therefore Section 9-A could never be attracted. The contention is that this was going to be a temporary measure until adequate transport facilities were provided. On the other hand the Union's contention is that the department were to be re-shifted to fort area until then this arrangement was to be continued and it is also contended that there has been no adequate transport facility so as to restore the old timings. Oral evidence has been adduced and that is referred to. However I do not think on the basis of that evidence it could be said that the agreement was to the effect that on improvement of Transport facilities the old timing was to be restored. Shri Deepak Bankal the Deputy Chief Officer in Reserve Bank was not aware of the meetings held before the re-shifting to the Cuffee Parade of the DBOD department between then Bank Management and the Reserve Bank employees association. He admits that he had not attended any of those meetings. He admits that Mr. Valanju as a General Secretary attended that meeting. He had not come across any minutes

18. In the decision in the case of Hindustan Lever Limited V/s. Ram Mohan Rai and others reported in AIR 1973 page 1156, the point was whether any particular practice or allowance or concession had become a condition of service it is observed that it would always depend upon the facts and circumstances of each case and no rule applicable to all cases could be culled out from the decisions. As already stated above the hours of work including the recess for lunch become conditions of service as per the award and the alterations has to be done if any within the terms of award and the change if any will have to be brought about in accordance with the provisions of Industrial Disputes Act.

19. A third decision in the case between Ramesh Vinayak Korde & Ors. and Ahmadabad Electricity Co. Ltd., reported in AIR 1958 (I) LLJ. 686 is referred to. There it is held in order to have the force of usage a practice must be reasonable. The employees were permitted to go out in canteen as often as they liked and as long as they liked it was observed there would be an end to discipline and co-ordinated work would be impossible. Such a practice had to be held to be unreasonable and subversive of discipline and could not be given the sanction. It could be stopped and that too without giving any notice of change. I do not think this decision could be cited in support in view of the facts and circumstances on record. The reshifting was done and Management also realised that the employees working at the new place would be put to hardship and inconvenience. As a result the Management agreed to write to the concerned Authorities to provide adequate transport facilities for commuting between the two railway terminals Churchgate & V.T. & the place of work and that Management had to wait for a period of 12 years for being convinced that the facilities are adequate and the workmen still maintaining that they are not commensurate with the need and expectations. Even assuming that this is only a practice having the force of usage it could not be said that was unreasonable much less subversive of discipline which could not be given the sanction and could be unilaterally stopped as held in this case. In fact the Management could have well avoided seeking support from this Authority. It is not in my view necessary to refer to the other decisions which have been cited the first one on the point is in the case between Tamilnadu Electricity Workers Federation and another and Madras State Electricity Board reported in 1962 II Labour Law General 136 of the Madras High Court. It takes the view that to attract Sec. 9-A the change sought to be brought about must adversely affect the workmen. The other decision in the case of L. Rober D'Souza appellant, the Executive Engineer of Southern Railway and another respondent AIR 1982 S. C. 884 lays down a proposition that to attract Sec. 9-A the change proposed must be in the condition of service applicable to the workmen. I have already held about that as a condition of service and that a change i.e. sought to be brought about is in the change of service condition. Apart from that I have also held that Sec. 9-A is attracted because it effects a change in hours of work and

17. Certain decisions have been referred to and relied upon on behalf of the Reserve Bank of India. The decision in the case the Oil and Natural Gas Commission. The Appellant Vs. The Workmen reported in 1993 I L.J. Page 18. That is a case in which there was nothing to show that working hours was a condition of service and therefore Sec. 9-A was held not attracted. The Workmen worked in another building for want of enough accommodation for 6-1/2 hours only and that was for a temporary period because the factory building was under construction and the Administrative staff was re-shifted to its own building at the factory site area. In this case before me the position is that these workmen are governed by the awards and Desai award has referred to the Shastri award which dealt with the hours of work of the workmen including the recess for lunch and to that I have already made a reference above. This would in the circumstances be a condition of services the alteration of which would require notice u/s. 9-A.

recess interval mentioned at item 4 in the 4th schedule.

20. I therefore find that the insistence of the Management in contending that the change could be brought about without complying with the provisions of Sec. 9-A of the Industrial Disputes Act 1947 cannot be accepted.

21. It is seen that out of the two departments shifted the UBD department has been re-shifted to Worli and they have no grievance now in respect of that department. The employees in the other department namely DBDO department which is continuing at Cuffee Parade cannot be adversely affected by change proposed to be brought about by the order dt. 19-9-81, 31-3-90 & 6th October, 1990. my Learned predecessor Shri Justice Khatri has on 6th December 1990 mentioned in the Rozanama that Shri Deshpande appearing on behalf of the Management and who was the legal advisor of the Bank stated that they will maintain status quo pend-

ing decision on reference so far as the present workmen were concerned. Earlier on 5th of November 1990 the High Court in writ petition No. 3072 of 1990 had passed an order to the effect that the ad-interim order dt. 12th October 1990 by the earlier division bench of that Court will continue to subsist and operate till and inclusive of Saturday 8th December 1990 and thereafter stand vacated. But as stated above before 8th of December 1990 Mr. Deshpande's statement has been recorded and status quo has been maintained. Therefore it is obvious that the orders dt. 19-9-89, 31-3-90 & 6-10-1990 have not been given effect to. No relief is therefore required to be given and if necessary the order is that those order will not be given effect to until a notice of change as contemplated by Sec. 9-A is given and the provisions of that Section 9-A are complied with. Action of management is held unjustified. Award accordingly.

R.G. SINDHAKAR, Presiding Officer